

Dated: September 3, 2010.

Edward L. Connor,

Acting Federal Insurance and Mitigation Administrator, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2010-22796 Filed 9-13-10; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS-R3-ES-2010-0068; 92220-1113-0000-B3]

RIN 1018-AX28

#### Endangered and Threatened Wildlife and Plants; Technical Corrections for Three Midwest Region Plant Species

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Direct final rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the revised taxonomy of *Lesquerella filiformis* (Missouri bladderpod), *Sedum integrifolium* ssp. *leedyi* (Leedy's roseroot), and *Mimulus glabratus* var. *michiganensis* (Michigan monkey-flower) under the Endangered Species Act of 1973, as amended (Act). We are revising the List of Endangered and Threatened Plants to reflect the current scientifically accepted taxonomy and nomenclature of these species. We revise the scientific names of these species as follows: *Physaria filiformis* (= *Lesquerella* f.), *Rhodiola integrifolia* ssp. *leedyi* (= *Sedum integrifolium* ssp. l.), and *Mimulus michiganensis* (= *M. glabratus* var. *michiganensis*), respectively.

**DATES:** This rule is effective December 13, 2010, without further action, unless significant adverse comment is received by October 14, 2010. If significant adverse comment is received, we will publish a timely withdrawal of the rule in the **Federal Register**.

**ADDRESSES:** You may submit comments by one of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS-R3-ES-2010-0068.

- **U.S. mail or hand-delivery:** Public Comments Processing, Attn: FWS-R3-ES-2010-0068; Division of Policy and Directives Management; U.S. Fish and

Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

See **Public Comments** in **SUPPLEMENTARY INFORMATION** for more information about submitting comments.

#### FOR FURTHER INFORMATION CONTACT:

Carlita Payne, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service, Midwest Regional Office, Division of Endangered Species, 1 Federal Drive, Fort Snelling, MN 55111-4056; telephone 612-713-5350.

Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800-877-8337 for TTY (telephone typewriter or teletypewriter) assistance 24 hours a day, 7 days a week.

#### SUPPLEMENTARY INFORMATION:

##### Purpose of Direct Final Rule and Final Action

The purpose of this direct final rule is to notify the public that we are revising the List of Endangered and Threatened Plants to reflect the scientifically accepted taxonomy and nomenclature of three plant species listed under section 4 of the Act (16 U.S.C. 1531 *et seq.*). These changes to the List of Endangered and Threatened Plants (50 CFR 17.12(h)) reflect the most recently accepted scientific names in accordance with 50 CFR 17.12(b).

We are publishing this rule without a prior proposal because this is a noncontroversial action that does not alter the regulatory protections afforded to these species, and therefore, in the best interest of the public, should be undertaken in as timely a manner as possible. This rule will be effective, as published in this document, on the effective date specified in the **DATES** section, unless we receive significant adverse comments on or before the comment due date specified in the **DATES** section of this document. Significant adverse comments are comments that provide strong justifications as to why this rule should not be adopted or why it should be changed.

If we receive significant adverse comments, we will publish a document in the **Federal Register** withdrawing this rule before the effective date, and we will engage in the normal rulemaking process to promulgate these changes to 50 CFR 17.12.

Elsewhere in today's issue of the **Federal Register**, we have published a notice to initiate 5-year reviews that

includes *Physaria filiformis* among six other Midwest species. We will give the same consideration to comments in regard to the taxonomy of Missouri bladderpod submitted in response to either this direct final rule or our notice to initiate 5-year reviews; you do not need to submit separate comments pertaining to this issue for both documents.

#### Public Comments

You may submit your comments and materials regarding this direct final rule by one of the methods listed in the **ADDRESSES** section. Please include sufficient information with your comments that allows us to verify any scientific or commercial information you include. We will not consider comments sent by e-mail or fax, or to an address not listed in the **ADDRESSES** section.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us. Before including your address, phone number, e-mail address, or other personal information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials we receive, as well as supporting documentation we used in preparing this direct final rule, will be available for public inspection on the Internet at <http://www.regulations.gov> or by appointment, during normal business hours at the U.S. Fish and Wildlife Service Midwest Regional Office (see **FOR FURTHER INFORMATION CONTACT**). Please note that comments posted to <http://www.regulations.gov> are not immediately viewable. When you submit a comment, the system receives it immediately. However, the comment will not be publicly viewable until we post it, which might not occur until several days after submission. Information regarding this rule is available in alternative formats upon request (see **FOR FURTHER INFORMATION CONTACT**). For information pertaining to specific species, please contact the following Ecological Services Field Offices:

Species	Contact Person, Phone, E-mail	Contact Address
<i>Physaria filiformis</i> (= <i>Lesquerella</i> f.) .....	Charlie Scott, Field Supervisor, or Paul McKenzie, Endangered Species Coordinator; (573) 234-2132, extension 107, paul_mckenzie@fws.gov.	Columbia Missouri Field Office, U.S. Fish and Wildlife Service, 101 Park DeVillie Drive, Suite A, Columbia, MO 65203-0057.
<i>Rhodiola integrifolia</i> ssp. <i>leedyi</i> (= <i>Sedum integrifolium</i> ssp. l.).	Tony Sullins, Field Supervisor, or Phil Delphey, Endangered Species Coordinator; (612) 725-3548, phil_delphey@fws.gov.	Twin Cities Field Office, U.S. Fish and Wildlife Service, 1401 American Boulevard E., Bloomington, MN 55425-1665.
<i>Mimulus michiganensis</i> (= <i>M. glabratus</i> var. <i>michiganensis</i> ).	Acting Field Supervisor, or Tameka Dandridge, Biologist; (517) 351-8315, tameka_dandridge@fws.gov.	East Lansing Field Office, U.S. Fish and Wildlife Service, 2651 Coolidge Road, Suite 101, East Lansing, MI 48823-5902.

## Background

Section 17.12(b) of title 50 of the Code of Federal Regulations (CFR) requires us to use the most recently accepted scientific name of any plant species that we have determined to be an endangered or threatened species. Using the best available scientific information, this direct final rule documents taxonomic changes of the scientific names to three entries on the List of Endangered and Threatened Plants (50 CFR 17.12(h)). The basis for the taxonomic changes is supported by published studies in peer-reviewed journals. We revise the scientific names of these species under section 4 of the Act (16 U.S.C. 1531 *et seq.*) as follows: *Physaria filiformis* (= *Lesquerella* f.) (Missouri bladderpod), *Rhodiola integrifolia* ssp. *leedyi* (= *Sedum integrifolium* ssp. l.) (Leedy's roseroot), and *Mimulus michiganensis* (= *M. glabratus* var. *michiganensis*) (Michigan monkey-flower). We make these changes to the List of Endangered and Threatened Plants (50 CFR 17.12(h)) to reflect the most recently accepted scientific names in accordance with 50 CFR 17.12(b).

## Taxonomic Classification

### *Physaria filiformis*

The scientific name change of *Physaria filiformis* (Rollins) O'Kane & Al-Shehbaz (Missouri bladderpod) from *Lesquerella filiformis* Rollins (Rollins 1956, pp. 201-202; Rollins 1993, p. 618) is supported by Al-Shehbaz and O'Kane's (2002, pp. 319-320) extensive molecular, ecological, morphological, and distributional data. Al-Shehbaz and O'Kane (2002, p. 321) concluded that the genus *Lesquerella* should be united with the earlier-published genus *Physaria*, initially discussed in Gray (1848, pp. 161-162). Although Rollins (1939, pp. 393-398; 1993, pp. 588-589, pp. 696-697) supported the separation of the two genera because *Physaria* has didymous fruits with deep sinuses between the valves distally, and often proximally as well, he also noted strong

similarities in the floral patterns, growth, and trichome morphology between *Lesquerella* and *Physaria* (Al-Shehbaz and O'Kane 2002, p. 319). The genera are also characterized by their colpate pollen grains, which is a distinguishable synapomorphic trait from the rest of the family (Al-Shehbaz and O'Kane 2002, p. 320). The new combination is *Physaria filiformis* (Rollins) O'Kane & Al-Shehbaz (Al-Shehbaz and O'Kane 2002, p. 323). Only North American species' nomenclatural adjustments were included in Al-Shehbaz and O'Kane's publication (2002, p. 321). This taxonomic change is included in our most recent 5-year review for the species (USFWS 2008, p. 2), as well as the reclassification of this plant from endangered to threatened status on October 15, 2003 (68 FR 59337). This species will continue to be listed as threatened.

### *Rhodiola integrifolia* ssp. *leedyi*

The scientific name change of *Rhodiola integrifolia* ssp. *leedyi* (Leedy's roseroot) from *Sedum integrifolium* ssp. *leedyi* is supported by extensive morphological and genetic studies. Carl Linnaeus described the genus *Rhodiola* in 1753, recognizing it as distinct from the genus *Sedum* (Moran 2000, p. 137; Ohba 2003, p. 210), but many twentieth century authors regarded the genus as a synonym of *Sedum* L. (Ohba 1980, pp. 356-358). However, recent evidence, including chloroplast and nuclear DNA data, support the original recognition of *Sedum* and *Rhodiola* as distinct genera (Ohba 1980, pp. 356-358; Van Ham and 'T Hart 1998, p. 127; Ohba 2003, p. 210; Mayuzumi and Ohba 2004, p. 588). R. T. Clausen (1975, p. 474), following the mid-twentieth century trend, treated *Rhodiola* as a subgenus of *Sedum*, but the *Flora of North America* has more recently returned to the original recognition of *Rhodiola* as a distinct genus (Moran 2009, p. 164) that includes Leedy's roseroot. The new combination is *Rhodiola integrifolia* Rafinesque ssp. *leedyi* (Rosendahl & J.

W. Moore) H. Ohba (Ohba 2003, p. 218). The species was listed as threatened on April 22, 1992 (57 FR 14649) and will continue to be listed as threatened.

### *Mimulus michiganensis*

The scientific name change of *Mimulus michiganensis* from *Mimulus glabratus* var. *michiganensis* is supported by Posto and Prather's (2003, pp. 172-173) extensive evolutionary and genetic studies. At the time of its listing (55 FR 25596; June 21, 1990), *Mimulus glabratus* var. *michiganensis* (Michigan monkey-flower) was ranked as a variety. Posto and Prather's (2003, pp. 172-178) study supports the elevation of the taxon in rank to species *Mimulus michiganensis*, and, therefore, the new combination was established and accepted in the scientific community. Pennell (1935 in USFWS 1997, p. 1) originally described the taxon as a subspecies of *M. glabratus*, and Fassett (1939 in USFWS 1997, p. 1) subsequently gave the taxon varietal status. Past researchers noted morphological overlap with other taxa, particularly the more common, wide-ranging James' monkey-flower (*M. glabratus* var. *jamesii*) (Crispin 1981 in USFWS 1997, p. 1; Bliss 1983 in USFWS 1997, p. 1; Bliss 1986 in USFWS 1997, p. 1), but floral character studies of closely related taxa supported maintaining variety *michiganensis* as a distinct taxonomic entity (Bliss 1983 in USFWS 1997, p. 1; Bliss 1986 in USFWS 1997, p. 1; Minc 1989 in USFWS 1997, p. 1).

However, random amplified polymorphic DNA (RAPD) data (Posto and Prather 2003, pp. 176-177) revealed the following: *M. michiganensis* is genetically distinct from other members of the *Mimulus* complex; it has low genetic similarity to *M. glabratus* var. *jamesii* (a species implicated in its origin); and groups of *M. michiganensis* individuals separate from all other individuals in the Unweighted Pair Group Method with Arithmetic Mean (UPGMA) phenogram. In addition, *M. michiganensis* is not interfertile with



Dated: August 19, 2010.

**Wendi Weber,**

*Acting Deputy Director, Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 0910131363-0087-02]

**RIN 0648-XY99**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Yellowfin Sole in the Bering Sea and Aleutian Islands Management Area

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; reallocation.

**SUMMARY:** NMFS is reallocating the projected unused amount of the 2010 yellowfin sole total allowable catch

(TAC) assigned to the Bering Sea and Aleutian Islands trawl limited access sector to the Amendment 80 cooperative in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to allow the 2010 total allowable catch of yellowfin sole to be fully harvested.

**DATES:** Effective September 9, 2010, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2010.

**FOR FURTHER INFORMATION CONTACT:** Steve Whitney, 907-586-7269.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The 2010 yellowfin sole TAC assigned to the Bering Sea and Aleutian Islands trawl limited access sector is 42,369

metric tons (mt) and to the Amendment 80 cooperative is 90,733 mt as established by the final 2010 and 2011 harvest specifications for groundfish in the BSAI (75 FR 11778, March 12, 2010).

The Administrator, Alaska Region, NMFS, has determined that 20,000 mt of the yellowfin sole TAC assigned to the BSAI trawl limited access sector will not be harvested. Therefore, in accordance with § 679.91(f), NMFS reallocates 20,000 mt of yellowfin sole from the BSAI trawl limited access sector to the Amendment 80 cooperative in the BSAI. In accordance with § 679.91(f), NMFS will reissue cooperative quota permits for the reallocated yellowfin sole following the procedures set forth in § 679.91(f)(3).

The harvest specifications for yellowfin sole included in the harvest specifications for groundfish in the BSAI (75 FR 11778, March 12, 2010) are revised as follows: 22,369 mt to the BSAI trawl limited access sector and 110,733 mt to the Amendment 80 cooperative in the BSAI. Table 7a is correctly revised and republished in its entirety as follows:

**TABLE 7A—FINAL 2010 COMMUNITY DEVELOPMENT QUOTA (CDQ) RESERVES, INCIDENTAL CATCH AMOUNTS (ICAS), AND AMENDMENT 80 ALLOCATIONS OF THE ALEUTIAN ISLANDS PACIFIC OCEAN PERCH, AND BSAI FLATHEAD SOLE, ROCK SOLE, AND YELLOWFIN SOLE TACS**

[Amounts are in metric tons]

Sector	Pacific ocean perch			Flathead sole	Rock sole	Yellowfin sole
	Eastern Aleutian District	Central Aleutian District	Western Aleutian District	BSAI	BSAI	BSAI
TAC .....	4,220	4,270	6,540	60,000	90,000	219,000
CDQ .....	452	457	700	6,420	9,630	23,433
ICA .....	100	50	50	5,000	10,000	2,000
BSAI trawl limited access .....	367	376	116	0	0	22,369
Amendment 80 .....	3,302	3,387	5,674	48,580	70,370	171,198
Amendment 80 limited access .....	1,751	1,796	3,009	5,708	17,507	60,465
Amendment 80 cooperatives .....	1,551	1,591	2,666	42,872	52,863	110,733

This will enhance the socioeconomic well-being of harvesters dependent upon yellowfin sole in this area. The Regional Administrator considered the following factors in reaching this decision: (1) The current catch of yellowfin sole by the BSAI trawl limited access sector and, (2) the harvest capacity and stated intent on future harvesting patterns of the Amendment 80 cooperative that participates in this BSAI fishery.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA

(AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the reallocation of yellowfin sole from the BSAI trawl limited access sector to the Amendment 80 cooperative in the BSAI. Since the fishery is currently open, it is important to immediately inform the industry as to

the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of this fishery, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of September 8, 2010.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of